

APPENDIX I

Agency Coordination



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
WinSystems Center Building
711 Stadium Drive, Suite 252
Arlington, Texas 76011



November 25, 2003

Colonel John R. Minahan
District Engineer
U.S. Army Corps of Engineers
(Attn: Don Wiese, CESWF-OD-R)
P.O. Box 17300
Fort Worth, Texas 76102-0300

Dear Colonel Minahan:

On November 18, 2003, the Service participated in a workshop with the Elm Fork Project Office and interested landowners to discuss the proposed changes to the Shoreline Management Plan (SMP) for Lewisville and Grapevine Lakes. We offer the following comments based on the information exchanged in the workshop and from a review of the Shoreline Management Project Delivery Team Recommendations document, dated October 7, 2003.

A proposed component of the SMP allows adjacent landowners to mow and underbrush up to 50 feet onto Corps property at both lakes without any written permission. A large portion of Corps property around these lakes is designated as wildlife management lands which should be managed to maximize habitat. The fee land surrounding Corps lakes serves as a valuable resource providing a contiguous land base allowing for wildlife movement. Allowing landowners to mow and underbrush would result in a direct loss of habitat on Corps property due to the removal of cover, seed source, and breakup of travel corridors. In addition, there could be a significant indirect effect to wildlife because the vegetation clearing would result in a fragmentation of habitat and an increase in edge effect, ultimately leading to increases in predation and nest parasitism.

The proposed mowing policy of the SMP also fails to provide needed provisions to adequately protect nesting birds and wetlands. The SMP should restrict mowing between March and mid-August during the general bird-nesting season. Allowing mowing and brush clearing activities during that time frame could result in the loss of migratory bird nests, eggs, and nestlings. The SMP also does not prevent landowners from mowing in jurisdictional wetland areas which may be present in the 50-foot zone. Some wetland areas are indiscernible to those untrained in delineation and could be mowed by unknowing landowners. In addition, there are no protections for the riparian vegetation along the shoreline of the lakes that could fall within the 50-foot zone. A no-mow buffer area of no less than 25 feet should be established along the shoreline of the lake and their tributaries.

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The Service agrees with the stipulation in the underbrushing section of the SMP, which prevents landowners from removing nine tree and shrub species that have exceptionally high wildlife value. However, the identification of those species may be difficult for someone not trained in forestry, particularly during the winter months when leaves will be absent. Therefore, we recommend that no underbrushing be allowed, with the exception of a small access path allowing residents access to the lakeshore. Texas Parks and Wildlife Department's Guidelines for Conservation of Birds in Forested Areas states "maintain a well-developed understory, including woody and herbaceous vegetation, to provide resources to a diverse set of woodland species." Furthermore, we do not believe the 6-inch minimum for removal of dead trees provides adequate protection for cavity nesting birds. Some cavity nesting birds such as chickadees and wrens are known to nest in snags as small as 3-4 inches in diameter. In addition, decaying wood material of any size harbors insects that many species of migratory birds thrive on.

The Service appreciates the Corps desire to enhance wildlife habitat by working with the landowners through the proposed vegetation alteration permits. The guidelines included in the SMP list buffalograss as being a flood tolerant grass species that could be planted in frequently flooded areas. Buffalograss is intolerant to flooding and we recommend replacing it with vine mesquite. We recommend the Corps develop a complete list of locally available native plants that could be planted as part of these permits. This would eliminate any confusion by the landowners as to what is or isn't acceptable to plant as part of their vegetation alteration permit.

The Corps has approximately 233 miles of boundary at Lewisville Lake and 115 miles of boundary at Grapevine Lake. Between the two lakes, the proposed mowing guidance in the SMP could result in the adverse impact to over 2,100 acres of habitat without any oversight from the Corps. This could represent a significant impact to the environment, and we recommend the Corps perform an environmental assessment with a comprehensive cumulative impact analysis to fully assess the potential impacts to the environment prior to implementation of this policy. We further recommend that all mowing of government property by adjacent landowners be done through issuance of a permit, and only with proper justification such as a house that immediately abuts Corps property.

We appreciate the opportunity to provide input on these proposed guidelines. If you have any questions, please contact Curtis Hoagland of my staff at (817) 277-1100.

Sincerely,



Thomas J. Cloud, Jr.
Field Supervisor

cc: Resource Protection Division, TPWD, Austin, TX (Attn: Tom Heger)

January 6, 2004

Operations Division

Mr. Thomas J. Cloud
Field Supervisor
U.S. Fish & Wildlife Service
Ecological Services
WinSystems Center Building
711 Stadium Drive, Suite 252
Arlington, Texas 76011

Dear Mr. Cloud:

This is in response to your letter dated November 25, 2003, where you provided comments and recommendations on proposed changes to the mowing and underbrushing element of the Shoreline Management Plans for Grapevine and Lewisville Lakes. Specifically, you offered comment on the information exchanged at an invitation-only public workshop held on November 18, 2003, and on our Shoreline Management Project Delivery Team Recommendations document dated October 7, 2003. We appreciate Mr. Hoagland's participation in the public workshop, especially his presentation on habitat conditions preferred by wildlife in general and especially for migratory songbirds.

I will respond to the points in your letter in the order they were presented.

1. You expressed concern that much of the Federal land at the two lakes is designated as wildlife management lands which should be managed to maximize habitat, and that our proposal to allow individuals to mow and underbrush up to 50 feet onto Corps property would result in direct loss of habitat and would contribute to habitat fragmentation.

Response: We agree that mowing and underbrushing activities do, in some cases, result in the negative impacts you described. However, pursuant to our national regulation governing shoreline management, ER 1130-2-406, published in the Federal Register on December 13, 1974, adjacent landowners can, with due regard given to environmental impacts, be granted written permission to mow and remove underbrush at most Corps lakes, nationwide. The Shoreline Management Plans, which implement the regulation at Grapevine and Lewisville Lakes, were published in 1976 and include a statement that permits to mow grass and weeds would continue to be issued, and that site environmental characteristics will dictate the amount to be mowed. For many years, the policy at the two lakes has allowed mowing in a 50-foot zone at Lewisville Lake and 25-foot zone at Grapevine Lake. The team has decided to continue with these long-standing

widths rather than adopt a 50-foot zone for both lakes. What we hope to accomplish in revising the mowing and underbrushing guidelines for the two lakes is to ensure that future mowing and underbrushing activities result in minimal environmental damage and to restore some degree of beneficial habitat on those areas where excessive mowing and underbrushing beyond the 50 and 25-foot zones has caused a loss of habitat. We also intend for the new guidelines to better protect water quality and air quality through reduced mowing activity.

2. Your letter recommends mowing restrictions from March through August to protect migratory birds, ensure that mowing activities in the 50-foot zone does not impact wetlands, and to protect riparian vegetation by establishing a 25-foot no-mow zone along the shoreline and tributaries to the lake.

Response: These are excellent technical recommendations. Restricting mowing during the March through mid-August time frame would better protect nesting birds although allowing vegetation to grow during this period would result in vegetation so thick that only heavy equipment could effectively mow the area. The team's current recommendations prohibit the use of heavy equipment due to the increased likelihood that use of such equipment would result in damage to natural resources. Identifying wetlands within the 50-foot zone is a good suggestion and is an item that we intend to accomplish as we complete baseline natural resources inventories, an effort that is currently underway at the two lakes. The no-mow zone along the shoreline was initially adopted by the team but then was dropped because there are relatively few areas where the 50-foot zone would allow mowing within 25 feet of the shoreline. I have asked that the team consider these recommendations to determine how, or to what degree they can be implemented.

3. You have recommended that no underbrushing be allowed except along access paths and that our current diameter limit on removal of dead trees be reduced from six inches to three inches to provide more nesting opportunities for the smaller cavity-nesting birds such as chickadees and wrens, and to provide more foraging habitat for insect feeders.

Response: If we are to allow mowing within the 50-foot and 25-foot zones, or whatever zone width is finally adopted, we believe that some degree of underbrush removal and pruning of low limbs will be necessary to allow mowing to take place. Regarding our list of restricted tree and shrub species, our intent is to provide brochures and web-based plant identification materials to reduce the loss of these beneficial species. Additionally, some of our rangers may need training in plant identification to insure that we are able to properly enforce these restrictions. On the positive side, we have some neighbors who are accomplished naturalists and others who have expressed an interest in

becoming more knowledgeable. With their help, we can hopefully reduce the unauthorized removal of beneficial plants to an acceptable level. We agree with your recommendation to reduce the diameter limit for dead tree removal and will incorporate it in the guidelines.

4. You expressed appreciation for the Corps' efforts to work with landowners through proposed vegetation alteration permits and to develop a complete list of locally available native plants that could be planted as part of these permits.

Response: The team is changing the concept of vegetation alteration permits to that of ecosystem-based habitat management and restoration plans. Therefore, if we engage in a vegetation alteration plan, that plan would be required to meet the objective of the ecosystem-based plan for the specific area identified within the wildlife management lands. The plans would be implemented through a variety of different approaches. We envision the use of volunteer agreements with organized groups of homeowners, challenge cost share or Section 1135 projects with municipalities, and implementing small-scale mitigation measures, that may be required for easements, etc., granted at the two lakes, on those areas where excessive mowing has gone on for many years. We are currently discussing the ecosystem-based habitat plans with ecological restoration specialists at the University of North Texas. These plans will certainly include a list of native plant lists suitable for planting and will also consider the limitations on plantings imposed by the fluctuating pool of the reservoir.

5. You have recommended that the revised guidelines be addressed in an environmental assessment (EA) to include a comprehensive cumulative impacts analysis. You further recommended that all mowing by adjoining property owners be allowed only by issuance of a written permit.

Response: Initially, our team's approach was to revise the guidelines within the framework of our national shoreline management regulation, which, in the absence of significant changes, we believe, could be done without requiring an EA. However, partly in response to your recommendation, and in recognition of the continuing high level of public interest, we agree with your recommendation and intend to pursue an EA when the draft guidelines are complete. We will need to work closely with the Service to define the scope of the cumulative impacts analysis. Because the 50-foot and 25-foot mowing zones at Lewisville and Grapevine Lakes, respectively, have been policy for many years, we believe the scope of the cumulative impact analysis should focus primarily on the habitat benefits that would result from curtailing mowing and restoring areas where excessive mowing has been ongoing. Completing an EA will hopefully result in the level

of public disclosure and comment that this issue needs. With regard to your recommendation to require written permits, our team had adopted this change shortly after the public workshop based on comments received.

We appreciate your continuing interest in this effort and look forward to continued cooperation as we proceed. If you have any questions, please contact Don Wiese at 817-886-1568 or donald.n.wiese@swf02.usace.army.mil.

Sincerely,

John R. Minahan
Colonel, Corps of Engineers
District Engineer

BC
COLLINS CESWF-OD-R

BC
BECK CESWF-OD

HOWELL CESWF-OD *HT*

QUARLES CESWF-OD

HT
HATHORN CESWF-PER-E *HT*

CROSSWHITE CESWF-OC

MARSICANO CESWF-PA-I *HT*

MM/16
MOCEK CESWF-PM

LEMONS CESWF-DE *HT*

MINAHAN CESWF-DE *Signature 1/18/04*

June 14, 2004

Planning, Environmental, and Regulatory Division

Mr. Robert Johnson
Director, Dallas Water Utilities
1500 Marilla, Room 4AN
Dallas, TX 75201

Dear Mr. Johnson:

The U.S. Army Corps of Engineers, Elm Fork Project Office, is in the process of drafting new ecosystem-based vegetation management plans and new adjacent landowner guidelines for mowing, under-brushing, and access paths at Grapevine and Lewisville Lakes. These two lakes are located about 25 miles north and northwest of downtown Dallas.

The new vegetation management plans would be used by the U.S. Army Corps of Engineers to direct the overall management of vegetation on Federal land at the two lakes, while the new adjacent landowner guidelines would establish allowable limits for mowing, under-brushing, and access path activities that private property owners living adjacent to Federal land may wish to undertake. In keeping with the U.S. Army Corps of Engineers' national policy, the objectives of this initiative are to achieve environmental sustainability through ecosystem-based vegetation management plans and to achieve a balance between permitted private uses and resource protection for general public use. As part of this effort, the Corps will prepare an Environmental Assessment (EA) of the new plans and guidelines and will seek general public input.

In order to assist us in our efforts we are asking that your agency participate in an agency workshop to assist us in developing alternatives to be discussed in the EA. Enclosed for your consideration are current adjacent landowner guidelines that are in effect until the EA is completed and new guidelines are adopted. I urge you to review these current guidelines and to provide comments to assist in identifying alternatives to be assessed in the EA.

The meeting will be held on June 28, 2003, at 9:30 a.m. at the Fort Worth District Office at 819 Taylor Street, Fort Worth, Texas. If you are unable to attend and want to respond in writing, your written comments are requested no later than June 30, 2004, so we may consider them in preparing the EA. Written comments should be mailed or faxed to:

Mr. Rob Newman
CESWF-PER-EE
P.O. Box 17300
Fort Worth, Texas 76102-0300
Fax: 817-886-6499

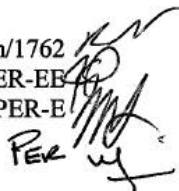
When the EA is completed it will be made available for public comment for a 30-day period. Release of the EA for public comment is currently scheduled for August 2004.

Please contact Mr. Rob Newman at 817-886-1762 or rob.newman@swf02.usace.army.mil if you are planning on attending the meeting or you have any other questions.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental,
and Regulatory Division

Enclosures

Newman/1762
PAXTON, CESWF-PER-EE
SAMS, CESWF-PER-E
PER 

Letters sent to all below:

Ms. Kathy Boydston
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Mr. Rollin MaCrae
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Mr. Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Ms. Cindy Loeffler
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Mr. Robert Lawrence
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202

Mr. Thomas Cloud, Jr.
U.S. Fish and Wildlife Service
Ecological Services
711 Stadium Drive, Suite #252
Arlington, TX 76011

Mr. Mark Fisher
Research and Environmental Assessment Section
Water Planning and Assessment Division
Texas Commission on Environmental Quality MC 150
12100 Park Circle 35, Building F
P.O. Box 13087, Capitol Station
Austin, Texas 78711

GUIDELINES FOR PROPERTY ADJACENT TO PUBLIC LAND

Dated February 11, 2004

LEWISVILLE LAKE

(Guidelines for mowing, underbrushing and vegetation management are currently under review and are subject to change after completion of an Environmental Assessment (EA); target date for EA completion is September 2004)

The U. S. Army Corps of Engineers is responsible for managing Lewisville Lake for multiple purposes including flood damage reduction, water conservation, environmental stewardship, and outdoor recreation. Ecosystem based management and conservation of natural resources and wildlife habitat is given primary consideration in all management decisions.

While private exclusive use of public land is not permitted, property owners adjacent to public land have the same pedestrian privileges as any other citizen and may be granted permission to perform certain activities in the interest of public safety. Therefore, the information contained in these guidelines is designed to acquaint the adjoining landowner, and other interested persons, with allowable activities and the types of property involved in the management of Lewisville Lake.

CONSERVATION POOL 522msl UNCONTROLLED SPILLWAY 532msl TOP of FLOWAGE EASEMENT 537msl

GOVERNMENT OWNED (PUBLIC) LAND

Land, which is owned in fee by the Government, consists of both the land inundated by Lewisville at the pool elevation of 522 feet, and a substantial amount of land above the 522 elevation. The U. S. boundary line, the corners of which are marked by concrete monuments, defines the limits of this public land. The boundary markers, or monuments, are topped with a brass cap, which is usually about four inches above ground level. Fencing in many areas around the lake also indicates the boundary line.

USES OF PUBLIC LAND AVAILABLE TO THE ADJACENT LANDOWNER:

- 1) Apply for a permit to mow grass (not less than 3" high) and remove underbrush (less than 2" diameter at the top of the root) daily within a maximum distance of fifty feet onto Government property adjacent to the property line. Mowing and underbrushing within this distance may be permitted as a means to help control rodents and spread of wildfire. A permit may be issued for the period of time required for accomplishing each activity (not to exceed 1 October, 2004, or at the completion of the EA) Mowing in other areas is not allowed. Landowners may not mow Government property fronting another landowner's property.
- 2) Apply for a permit to plant native grasses, either by seeding or transplants. Planting shall be done only in natural clearings (not in areas where all vegetation has been recently removed) and within the 50-foot zone.
- 3) Apply for a permit for chipping of underbrush or tree trimmings.
- 4) Enter into a volunteer agreement with the Corps to implement ecosystem-based wildlife habitat improvements on Corps land. Contact the Elm Fork Project Office to schedule an on-site meeting with a Park Ranger to determine those items to be included in the volunteer agreement. All volunteer agreements will be issued for the time period necessary to accomplish planned items.
- 5) Apply for a license to place a waterline over or under government property to the lake, and to withdraw water for private use. Water rights must be obtained from Dallas Water Utilities before the Corps will grant approval.
- 6) Have unlimited pedestrian access to public land except in those areas specifically restricted.
- 7) Volunteer agreements for vegetation management beyond the 50-foot zone may be considered on a case-by-case basis and are granted only as a means of ecosystem management or improving the wildlife habitat on the shores of Lewisville Lake.
- 8) Adjacent landowners may, by permit only, be allowed to install a gate in boundary line fencing. Gates are approved on a case-by-case basis.

USES OF PUBLIC LAND WHICH ARE PROHIBITED:

- 1) Use of public lands for any type of private exclusive use or use that gives the appearance of such.
- 2) Placement of unattended personal property of any kind on public land.
- 3) Vessels shall not be attached or anchored to structures such as locks, dams, buoys, or other structures.
- 4) Personnel property, including vessels, shall not be placed on the shoreline of Federal lands unless within a designated Recreation Area. After a period of 24 hours personnel property along the

shoreline shall be presumed to be abandoned and may be impounded.

- 5) Construct buildings, roads, improved pathways, or any other facilities on public land.
- 6) Restricting public access to public land either verbally, by posting signs, or by any other method.
- 7) Operating vehicles on public land, except on paved roads and in authorized access points.
- 8) Launching or retrieving boats with motorized vehicles except at public boat ramps. (You may hand-carry small boats to launch or retrieve them from all but restricted areas of the shoreline; however, no portable ramps/docks are authorized). Hand-carried boats may not be left on the shoreline for longer than 24 hours.
- 9) Camping on public land, except in designated areas.
- 10) Disposal of household garbage or any other debris on public land.
- 11) Fires on public land, except in authorized receptacles.
- 12) Gather fallen timber for firewood, except for use in authorized areas.
- 13) Horses, cattle, or other livestock are prohibited on public land, except by lease from the Government or as otherwise permitted.
- 14) Dogs and cats must be under the control of their owner at all times. In developed recreation areas or adjacent waters dogs, cats, or other pets must be penned, caged, on a leash six feet in length or otherwise physically restrained.
- 15) Destruction, alteration or removal of any facility, vegetation or natural feature.
- 16) Fireworks.
- 17) Removal or alteration of boundary fence or monument markers.
- 18) Privately owned sewage facilities are not allowed on Government land.

FLOWAGE EASEMENT LAND

Perpetual flowage easement estates, such as those the Government holds over property owned by others in the Lewisville Lake area, grant to the Government full, complete, and perpetual right, power, privilege, and easement to occasionally overflow, flood, and submerge lands in connection with the operation and maintenance of the lake. In most cases, flowage easement lands around Lewisville Lake is defined as those lands at and below the elevation contour of 537.0 feet above mean sea level.

A typical flowage easement deed is available from the Lewisville Project Office. An identical or similar description should be found in the deed to your property, or cited for reference in the appropriate county deed records. In some instances the reference to flowage easement restrictions is omitted during the preparation of new deeds with changes in property ownership. The omission does not diminish the legality or validity of flowage easement restrictions over the property involved.

THE OWNER OF FLOWAGE EASEMENT LAND, AT HIS DISCRETION MAY, ON PRIVATELY OWNED FLOWAGE EASEMENT:

- 1) Construct a fence to the Government boundary line, ensuring Corps boundary markers/monuments are not removed or alienated and that water may freely pass through the fence. A permit is required to construct a fence on Government property.
- 2) Mow, clear, or plant vegetation.
- 3) Sell or lease the land to others, subject to all restrictions contained in the flowage easement instrument.

ACTIVITIES THAT ARE PROHIBITED ON FLOWAGE EASEMENT LANDS:

- 1) Construction or maintenance of any structure in, under, on, or over, the land, for human habitation, including mobile homes, travel trailers, recreational camping vehicles, tents, or other shelters which are normally used for overnight occupancy, as well as commercial structures are prohibited.
- 2) Placement or construction of structures or facilities in, under, on, or over, the land, without prior written approval by the District Engineer is prohibited. This includes, but is not limited to, buildings, roads, ramps, ditches, channels, dams, dikes, wells, earthen tanks, roads, utility lines, and tramways.
- 3) Adding fill material on flowage easement lands, and/or changing the 537.0 elevation contour.
- 4) Commercial structures are prohibited on flowage easement lands.

ACTIVITIES ON FLOWAGE EASEMENT LANDS, WHICH MAY BE PERMITTED:

The owner of flowage easement must make written application for a permit to place or construct any type of structure or facility on flowage easement property. With written approval of the District Engineer, the landowner then may:

- a. Build streets or roads.
- b. Construct utility lines.
- c. Construct water and sewer systems.
- d. Use land for recreation purposes.
- e. Construct swimming pools.

The construction of water, sewer, or septic systems will be examined on a case by case basis to ensure that no pollution of the lake, or water wells, nor any interference with the operation of the reservoir, will occur. Construction must be in accordance with all applicable laws, rules, and regulations. Specifically in the case of requests for sewage and septic systems, written approval from either the County Environmental Health Department, (if the site is located in an unincorporated area), or the City within whose jurisdiction the site is located and/or the Texas Commission on Environmental Quality (TCEQ), Region 4 Office located in Arlington, Texas must accompany the request to the District Engineer. TCEQ regulations require that all septic systems should not be located within a minimum of 75 feet from the lake water surface at the uncontrolled spillway elevation. Please contact the Elm Fork Project Office for specific details concerning flowage easement requirements, controlling elevations and requirements for submitting an application.

PERMIT APPLICATIONS:

All requests for construction or placement of any structure or facility on either Government land or flowage easement land must include:

- 1) A letter of application to the Lake Manager.
- 2) Detailed design plans of construction (2 copies).
- 3) A plat map showing the location of proposed action, and the relationship with the Government boundary and lakeshore (2 copies).
- 4) Written approval from any other agencies as noted previously.

SUMMARY OF IDEAS TO CONSIDER:

Before purchasing land adjacent to Lewisville Lake, there are three items which should be checked to determine if the land is suitable for the uses you intend for it:

- 1) Check to see if the 537.0 elevation contour (upper extent of flowage easement) and the Government property line are identified. The person selling the land when the property lines are surveyed usually does this. If they are not identified, contact the U.S. Army Corps of Engineers.
- 2) Contact the local city or county Environmental Health Department for information and requirements for submitting a permit for a septic system, testing, and design requirements.
- 3) Establish on the ground whether or not there is enough space ABOVE the lake water surface at the uncontrolled spillway elevation (upper extent of flowage easement) on which to place a mobile home or construct a house with a septic system. After the land is purchased, apply for all necessary permits, licenses and contracts well in advance of construction.

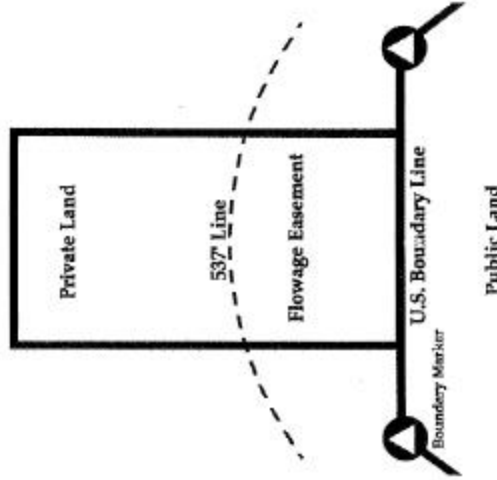
We are engaged in preserving and restoring natural scenic beauty at The Elm Fork Lakes (Lewisville, Grapevine and Roy Roberts), and we appreciate your participation in this effort on both Federal owned and flowage easement lands. Your cooperation will assist us in providing a healthy ecosystem managed environment that will provide and preserve the quality of air, land and water, and a variety of plants and animals that contribute to our personal, social and economic well being for future generations.

Please address all permit applications or other correspondence to:

**Lake Manager
Elm Fork Project Office
U.S. Army Corps of Engineers
1881 North Mill Street
Lewisville, Texas 75067**

If you have any other questions, please call 972-434-1667.

Types of Land at Lewisville Lake





REPLY TO
ATTENTION OF

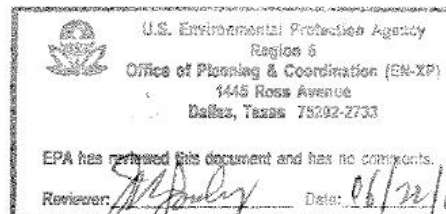
DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

June 14, 2004

COMPLIANCE ASSISTANCE
ENVIRONMENTAL DIV

Planning, Environmental, and Regulatory Division

Mr. Robert Lawrence
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202



Dear Mr. Lawrence:

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In order to assist us in our efforts we are asking that your agency participate in an agency workshop to assist us in developing alternatives to be discussed in the EA. Enclosed for your consideration are current adjacent landowner guidelines that are in effect until the EA is completed and new guidelines are adopted. I urge you to review these current guidelines and to provide comments to assist in identifying alternatives to be assessed in the EA.

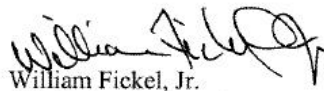
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Mr. Rob Newman
CESWF-PER-EE
P.O. Box 17300
Fort Worth, Texas 76102-0300
Fax: 817-886-6499

When the EA is completed it will be made available for public comment for a 30-day period. Release of the EA for public comment is currently scheduled for August 2004.

Please contact Mr. Rob Newman at 817-886-1762 or rob.newman@swf02.usace.army.mil if you are planning on attending the meeting or you have any other questions.

Sincerely,

A handwritten signature in black ink, appearing to read "William Fickel, Jr.", with a stylized flourish at the end.

William Fickel, Jr.
Chief, Planning, Environmental,
and Regulatory Division

Enclosure



June 23, 2004

Mr. Robert Newman
CESWF-PER-EE
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Dallas Water Utilities Comments to "Guidelines For Property Adjacent To Public Land" for Lewisville Lake and Grapevine Lake

Dear Mr. Newman:

Our office has reviewed the above referenced document and is providing the following comments for your consideration.

As you are aware, both lakes are part of an important network of raw water resources for the City of Dallas and the surrounding metroplex area. Therefore, every effort should be taken to protect the water quality in these lakes. Specifically, the use of pesticides, herbicides, fungicides, fertilizers, chemically preserved wood, and fuel products on the shore area should be addressed. The document should also specify proper disposal of debris generated at the authorized work site.

We appreciate the opportunity to review this important document and provide comments. If you should have any questions please call me at 214-670-1201.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Stringer". The signature is fluid and cursive, with a large initial "C" and "S".

Charles Stringer, P.E.
Assistant Director
Water Operations

Our Vision: To be an efficient provider of superior water and wastewater service and a leader in the water industry.

1500 Marilla, 4AN, Dallas, Texas 75201
Telephone: (214) 670-3146 • Fax: (214) 670-3154



COMMISSIONERS
KATHARINE ARMSTRONG IDSAL
CHAIRMAN, SAN ANTONIO

ERNEST ANGELO, JR.
VICE-CHAIRMAN, MIDLAND

JOHN AVILA, JR.
FORT WORTH

JOSEPH B.C. FITZSIMONS
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ALVIN L. HENRY
HOUSTON

PHILIP MONTGOMERY
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DONATO D. RAMOS
LAREDO

KELLY W. RISING, M.D.
BEAUMONT

MARK E. WATSON, JR.
SAN ANTONIO

LEE M. BASS
CHAIRMAN-EMERITUS
FORT WORTH

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EXECUTIVE DIRECTOR

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June 29, 2004

Rob Newman
Natural Resource Manager
Ft. Worth District Corps of Engineers
PO Box 17300
Ft. Worth, TX. 76102-0300

Mr. Newman,

It is my understanding that the policy for natural area management around local reservoirs is under review. I am writing to urge you and your agency to aggressively uphold your national charge to manage land for fish and wildlife habitat. I applaud your agency's efforts to provide refuge and support for our local wildlife populations. However, I urge you to strengthen your commitment to our natural resources by tightening the regulations regarding maintenance practices allowed on public land owned by the Corp of Engineers.

As a Wildlife Biologist for the Texas Parks and Wildlife Department, I am keenly aware of the values of natural areas in the Dallas / Ft. Worth area. I am constantly touring various properties in our area and must say that the habitats around our local reservoirs are some of the most important natural areas we have in the metroplex. Specifically deserving mention are the natural areas bordering Lake Grapevine. The quality and diversity of habitats found in the woodlands, prairies and shorelines of that lake are amazing. As I hiked those natural areas, I was taken back by two things. First, the quality of the habitat is quite unusual for the metroplex. The most amazing was the quality and diversity found in the prairie patches. The abundance of native grasses and wildflowers seen around that lake is a rarity in this area. These habitats were quite pleasing to see. The second thing that took me back was the impact of adjacent property owners manicuring the public land. I was very disappointed to see the areas of grassland being mowed by private landowners. I was further frustrated to see the wooded areas stripped of their understory shrubbery and in some places even replacing that understory with exotic landscape plants. Lastly, I was saddened to see the shoreline vegetation eliminated by maintenance practices.

Mr. Newman, the impacts of these practices are numerous. Please allow me to briefly discuss some of them. First, the tallgrass prairie ecosystem is the most endangered system in North America. Less than 0.05% of the original prairie remains. Most of it has been transformed into agricultural fields or is now covered by cities. As a result, all of the species of wildlife that depend on such habitat have also suffered serious declines in numbers. The single maintenance practice of keeping these areas mowed eliminates food sources and nesting sites for many species. Some of the bird species negatively impacted by mowing

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local grassland habitats include Dickcissels, Meadowlarks, Lark Sparrows, Cassin's Sparrows, and Blue Grosbeaks. I understand the desire for lake access and support the adjacent property owner's wish for a maintained path connecting their property to the lake, however that path should not exceed 4 feet in width. This width is sufficient to allow for access while minimizing the impact to the local habitat.

As mentioned earlier, the maintenance practices being exercised in the woodland habitats concerned me greatly as well. Adjacent property owners have been clearing out the understory (shrubby and vegetation that grows naturally beneath the forest canopy). This practice is termed "underbrushing" and is quite damaging to the forest system and the wildlife living there in several ways. First, the removal of this vegetation reduces protection from erosion. Underbrushing beneath sloped wooded areas increases erosion and ultimately leads to the failure of the wooded habitat and sedimentation of the lake. I've seen this occur on many park lands over my career. As the understory is removed, erosion begins to remove soil. As soil is removed, roots are exposed. As this occurs trees begin to die. As trees die, more ground is exposed to rainfall and erosion, and the process continues. I have reversed this process on several projects by simply restoring the understory. The best practice is to protect it to begin with and not allow it to be underbrushed.

Underbrushing also removes critical habitat for a variety of wildlife species. There are over 25 species of birds known to nest in the understory of our local forests. In addition to nesting sites, understory shrubs such as American Beautyberry, Turk's Cap, Coralberry, etc. are known to be significant food sources for wildlife. Underbrushing removes this vegetation, taking nesting sites and food sources with it.

Some adjacent property owners have gone so far as gardening or landscaping the Corp property. This should not be allowed for a couple of reasons. First, these practices fall into the realm of public land being used for private purposes. In addition to that, introducing exotic landscape plants invites habitat problems. Some of the common landscape plants are invasive and have taken over wooded areas around the metroplex. Some examples of problem landscape species include Nandina, Asian Privet, and Japanese Honeysuckle to name a few. Currently invasive exotic plants are one of our most serious habitat concerns. Exotic plants take over an estimated 1.75 million acres of habitat a year. Combating this threat costs our nation approximately \$138 billion per year.

The final maintenance practice that concerned me was manicuring the shoreline. Adjacent property owners have mowed shoreline vegetation in some areas. This

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concerns me for 3 reasons. First, shoreline vegetation helps to protect the bank from erosion. Wave action carries substantial erosive force. Vegetation growing in the water and along the shoreline buffers this erosive energy and insulates the shore from erosion. As shoreline vegetation is removed, erosion occurs.

Second, water quality is improved as bands of vegetation are allowed to grow in the water as well as along the bank. Research has demonstrated that runoff passing through vegetated buffer zones is cleaner than runoff that does not. As runoff from adjacent properties flows through diverse vegetated buffer zones, fertilizers and pesticides are reduced. This reduces the amount of pollutants entering the lake to begin with. Combine that with aquatic vegetation growing in the water along the shore and more of these pollutants are mitigated, resulting in better water quality in the lake. The practice of eliminating vegetation along the shoreline removes these benefits and results in poorer water quality.

Lastly, removing shoreline vegetation eliminates habitat for many species of wildlife. This practice eliminates shelter for fish as well as aquatic invertebrates such as dragonflies (which are predators on nuisance flying insects). Amphibians also lose sites for egg mass attachment. Bird species such as the King Rail and the Common Yellowthroat are known to nest in grasses and vegetation growing along the shoreline. As you can see, manicuring this vegetation negatively impacts more than water quality.

As a Wildlife Biologist, I have heard many people give reasons for the maintenance practices they employ. Some cite a fire break as the reason for manicuring the habitats adjacent to their property. This is not necessary. The private lawn areas currently maintained are sufficient to serve as a fire break. I find it noteworthy to mention that manicuring by adjacent landowners is not allowed on other government properties (i.e. state parks). I do not believe it should be allowed on Corp property as well.

I have also heard property owners citing snakes as the reason for manicuring natural areas. This is a fear-based argument that doesn't hold up to scrutiny. Most snakes in our area are not only harmless, but are quite beneficial. Many people assume that every snake near water is a Water Moccasin. Actually, the reverse is true. I spend a great deal of time in natural areas and have seen many harmless water snakes in our area, but have yet to see one Water Moccasin. The threat of snakes is simply blown out of proportion. However, knowing this will not stop some homeowners from fearing all snakes. They are free to maintain their property as they choose, but to allow them to impose their maintenance regime on public land is not right and should not be allowed.

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Mr. Newman, I am very concerned about the maintenance issues (and subsequent impacts) that I've mentioned. Research has shown that property owners definitely benefit from being adjacent to the Corp public land. Economic figures illustrate these homeowners enjoy higher property values as well as higher resale values as a direct result of being adjacent to Corp public land. Several studies have shown that interaction with natural areas reduces stress. "Greener" neighborhoods have been shown to have lower crime rates regardless of socioeconomic level. Research has also demonstrated that the public prefers to have natural areas be kept in a natural state. There are obviously endless benefits property owners enjoy being located adjacent to Corp public land. There is much data indicating that natural areas are highly valuable to our society. Therefore, I strongly encourage you and your agency to uphold your duties to the public and to the natural resources under your management by managing the land as fish and wildlife habitat and eliminating practices considered damaging to that management goal.

I am available for questions or assistance should you feel a need to contact me.

Sincerely,

John M. Davis

John M. Davis
Urban Wildlife Biologist
Texas Parks and Wildlife Department
PO Box 941
Cedar Hill, TX. 75106
972-293-3841
fax 972-293-3842
jmdavis01@aol.com

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September 1, 2004

Rob Newman
Ft. Worth District, Corps of Engineers
P.O. Box 17300
Ft. Worth, TX 76102-0300

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Re: Proposed Adjacent Landowner Guidelines for Grapevine and Lewisville Lakes,
Denton and Tarrant Counties

Dear Mr. Newman:

Thank you for coordinating with this agency regarding the proposed adjacent landowner guidelines for Grapevine and Lewisville Lakes in the Dallas/Fort Worth metroplex area.

John Davis, the urban biologist for the Texas Parks and Wildlife Department (TPWD), provided comments in a June 29, 2004 letter regarding the importance of the wildlife habitat provided by the U.S. Army Corps of Engineers (COE) properties and the potential repercussions of adjacent landowner activities on COE lands. The Wildlife Habitat Assessment Program of TPWD concurs with Mr. Davis' comments. TPWD would discourage any action that would adversely impact fish and wildlife resources on public lands. TPWD staff looks forward to working with the COE in developing guidelines promoting adjacent landowner management practices that would enhance the value of COE lands for fish and wildlife resources.

I appreciate the opportunity to review and comment on this project. Please contact me at (512) 389-4579 if we may be of further assistance. I apologize for the lateness of our reply.

Sincerely,

Danny Allen
Wildlife Habitat Assessment Program
Wildlife Division

cc: John M. Davis, TPWD

DLA:sm.10546



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